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FILED

SEP 16 1992

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

KENNETH DAVIS, D.C.
LICENSE #1600

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners by way of Complaint dated November 15, 1991, and an Amendment to Complaint dated April 1992, which alleged in three counts inter alia that respondent had offered to treat and treated patients with conditions including rectal bleeding and diabetes, had discouraged consultation or treatment with other medical professionals regarding those conditions, had failed to refer the patients to other health care professionals and had advertised, offered to utilize and/or utilized diagnostic or therapeutic procedures which are not accepted in the chiropractic profession. Such actions were alleged to exceed the appropriate scope of chiropractic in violation of N.J.S.A.45:9-14.5, 45:9-41.27 and N.J.A.C.13:35-7.1 (currently N.J.A.C.13:44E-1.1); to

constitute the unlicensed practice of medicine and to constitute gross or repeated malpractice, negligence or incompetence in violation of N.J.S.A.45:1-21. On November 27, 1991, respondent filed an answer essentially denying the factual allegations of the Complaint and later filed a similar answer denying the factual allegations of the Amendment to the Complaint. The Board ordered a temporary limitation of respondent's license on December 5, 1991 upon a finding that respondent's continued practice constituted a clear and imminent danger to the public. The matter was transferred to the Office of Administrative Law, where prehearing conferences were held and hearings scheduled.

The parties, having agreed to the resolution of this matter and Dr. Davis, entering a plea of nolo contendere, giving his voluntary consent to the within Order, and having waived his right to any further proceedings, and the Board finding that the within Order is adequately protective of the public safety, health and welfare;

IT IS ON THIS ^{14th} DAY OF September, 1992,
ORDERED:

1. That the license of respondent Kenneth Davis, D.C. to practice chiropractic in the State of New Jersey is hereby suspended for a period of six weeks effective beginning September 15, 1992 and ending after the close of business on October 26, 1992. Thereafter respondent's license shall be on probationary status for a period of three years.

2. Respondent Dr. Kenneth Davis, D.C. shall cease and desist representing that he can treat and/or treating conditions not generally

recognized in the chiropractic community as amenable to chiropractic care including but not limited to rectal bleeding.

3. Respondent Dr. Kenneth Davis, D.C. shall cease and desist advertising, offering or utilizing arm-mentoring surrogate testing in connection with his practice of chiropractic.

4. Respondent, Dr. Kenneth Davis, D.C. shall cease and desist advertising, offering or utilizing procedures involving the patient's electromagnetic field including but not limited to harmonic therapy in connection with his practice of chiropractic.

5. Respondent, Dr. Kenneth Davis, D.C., shall cease and desist advertising, offering or utilizing craniotherapy in connection with his practice of chiropractic.

6. Respondent, Dr. Kenneth Davis, D.C., shall cease and desist advertising, offering or utilizing Applied Kinesiology involving the visceral organs in connection with his practice of chiropractic.

7. Respondent, Dr. Kenneth Davis, D.C., shall cease and desist dissuading patients from seeking appropriate medical treatment and shall refer patients suffering from medical conditions or conditions not generally recognized as amenable solely to chiropractic care, to appropriate health care professionals including but not limited to plenary licensed physicians.

8. Respondent shall pay a monetary penalty in the amount of \$10,000 within sixty (60) days of the signing of this order.

9. Respondent, Dr. Kenneth Davis, D.C. shall pay costs in this matter in the amount of \$2,994.78 within sixty (60) days of the signing of this Order.

10. It is expressly understood that during the period of probation, respondents office will be subject to unannounced inspection by members of the Enforcement Bureau, Division of Consumer Affairs, during usual business hours to ensure compliance with this Order, and the statutes and regulations governing the practice of chiropractic. Respondent shall cooperate fully with all such inspections.

11. Respondent, Dr. Kenneth Davis, D.C. shall on September 15, 1992 surrender his license to practice chiropractic and any renewals thereof at the office of the Board of Chiropractic Examiners, 124 Halsey Street, Newark, New Jersey, and shall immediately thereafter cease and desist such practice during the active period of suspension.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By: Gerald Sternbach, D.C.
Gerald Sternbach, D.C., President

I have read and understood the terms and conditions of the within Order. I agree to be bound by them. Consent to the entry of the Order by the Board is hereby given.

Kenneth Davis, D.C.
Kenneth Davis, D.C.

The within Order is approved as to form and entry.

Peter Doyne, Esq.
Peter Doyne, Esq.
Attorney for Respondent
Kenneth Davis, D.C.

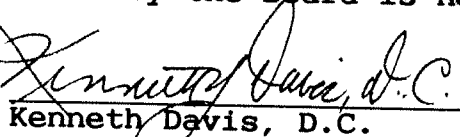
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Peter Doyne, Esq.
Attorney for Respondent
Kenneth Davis, D.C.